

MAY 14 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

ELVA ROSEMARY NIXON,
Petitioner,

v.

WENDY HOBBS,
Respondent.

) Civil Action No. 7:10-cv-00172
)
)

) **FINAL ORDER**
)

) By: Samuel G. Wilson
) United States District Judge
)

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED and ADJUDGED

that Nixon's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** and this case shall be **STRICKEN** from the active docket of the court.

Further, finding that Nixon has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

Nixon is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is **DIRECTED** to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 14th day of May, 2010.



United States District Judge